

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/051,406	JENNINGS ET AL.
	Examiner Andrew Caldwell	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to after final amendment filed on 5/23/06.

2.  The allowed claim(s) is/are 1-22 and 110-131.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1.  Notice of References Cited (PTO-892)

2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5.  Notice of Informal Patent Application

6.  Interview Summary (PTO-413),  
Paper No./Mail Date Attached.

7.  Examiner's Amendment/Comment

8.  Examiner's Statement of Reasons for Allowance

9.  Other \_\_\_\_\_



ANDREW CALDWELL  
U.S. PATENT & TRADEMARK EXAMINER

## **EXAMINER'S COMMENTS**

2 In a series of telephone conversations with the Applicants' attorney, James  
3 Stipek, Reg. No. 39,388, in July 2006, it became evident that the examiner's  
4 amendment to the claims of July 7, 2006 was made without the applicants'  
5 authorization. In these conversations, Mr. Stipek presented the basic facts outlined in  
6 the letter filed on September 15, 2006, which summarizes the interviews that he held  
7 with the examiner formerly assigned to this application. In a telephone interview on July  
8 27, 2006, it was agreed, based on the seriousness of the matter, that a different  
9 examiner should be assigned to examine the application and that the application should  
10 be withdrawn from issue so actions could be taken to correct the record. As the  
11 Supervisory Patent Examiner responsible for the application, I decided to assign the  
12 application to myself. Although the letter withdrawing this application from issue was  
13 mailed on August 17, 2006, further action on the part of the Office was delayed. This  
14 delay was due, in part, to problems with correctly processing the withdrawal from issue  
15 using the USPTO's PALM database.

16 A number of actions must be taken to correct the record. First, the Notice of  
17 Allowability and Notice of Allowance mailed July 7, 2006 must be vacated. Second, the  
18 Notice of Allowance, the Notice of Allowability, and all supporting papers should be  
19 expunged from the record. The Examiner intends to request the Group Director to order  
20 these papers expunged. The applicants will be advised of the Group Director's decision  
21 in a future communication.

1        When preparing this application for issue, the examiner determined that there  
2        was a problem with the applicants' claim for the benefit of prior U.S. applications. On  
3        October 29, 2006, the examiner faxed a draft copy of this document to the applicants' in  
4        order to obtain their approval for the changes to the specification and the amendments  
5        to the claims. The applicants approved the examiner's amendment on November 6,  
6        2006.

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10        **Accordingly, the Notice of Allowability and Notice of Allowance mailed on**  
11        **July 7, 2006 are hereby VACATED.**

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14                    **EXAMINER'S AMENDMENT**

15        An examiner's amendment to the record appears below. Should the changes  
16        and/or additions be unacceptable to applicant, an amendment may be filed as provided  
17        by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be  
18        submitted no later than the payment of the issue fee.

19        Authorization for this examiner's amendment was given in a series of facsimile  
20        exchanges with the applicants' attorney, James M. Stipek, Reg. No. 39,388, on October  
21        20, 2006 and November 6, 2006.

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1        In the Specification

2        Please replace paragraph 1 with:

3        [0001] The present application claims the benefit of U.S. Provisional Application

4        Serial No. 60/263,044, filed January 19, 2001, entitled Media Routing Algorithm. The

5        present application is a continuation-in-part of U.S. Patent Application Serial No.

6        09/838,993, filed April 20, 2001, and entitled System and Method for Streaming Media,

7        and now U.S. Patent No. 7,054,949, which is a continuation-in-part of U.S. Patent

8        Application Serial No. 09/766,519, filed January 19, 2001, and entitled System and

9        Method for Streaming Media, now abandoned, and takes priority to U.S. Patent

10      Application Serial No. 60/263,044, filed January 19, 2001, entitled Media Routing

11      Algorithm, the The contents of which all the aforementioned applications are

12      incorporated herein by reference.

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In the Claims

1. (Previously Presented) A method for routing media comprising:  
receiving a request for media;  
determining a program in which the requested media is identified;  
creating a presentation having a presentation identification based on the program;  
generating a reservation comprising a reservation identification and the presentation;  
generating a play script comprising the reservation identification and at least one media identification for the requested media;  
receiving the reservation, the reservation identification, and the at least one media identification at a routing processor;  
validating the reservation identification with the reservation at the routing processor and determining a media switch configured to stream media identified by the media identification;  
generating an address for the media switch upon validating the reservation identification and determining the media switch; and  
streaming the media identified by the media identification from the media switch upon a session being initiated at the address.
2. (Previously Presented) A method for routing media for reception by a viewer for a request comprising:  
identifying at least one program in which at least a portion of the media is available;  
processing the request with at least one program rule of the at least one program to generate a presentation identifying the at least the portion of the media;  
generating a reservation associated with the presentation; and  
identifying at least one resource to stream the presentation for reception by the viewer based on the reservation.
3. (Previously Presented) The method of claim 2 further comprising:  
identifying at least one other program in which at least one other portion of the media is available;  
processing the request with at least one other program rule of the at least one other program to generate at least one other presentation identifying the at least one other portion of the media;

generating at least one other reservation associated with the at least one other presentation; and

identifying, based on the at least one other reservation, if the at least one resource is configured to stream the at least one other presentation.

4. (Previously Presented) The method of claim 2 further comprising:

identifying at least one other program in which at least one other portion of the media is available;

processing the request with at least one other program rule of the at least one other program to generate at least one other presentation identifying the at least one other portion of the media;

generating at least one other reservation associated with the at least one other presentation; and

identifying, based on the at least one other reservation, at least one other resource to stream the at least one other presentation.

5. (Previously Presented) The method of claim 2 further comprising:

identifying at least one other program in which at least one other portion of the media is available;

processing the request with at least one other program rule of the at least one other program; and

generating the presentation identifying the at least one portion of the media and the at least one other portion of the media.

6. (Previously Presented) The method of claim 2 further comprising:

generating a presentation identification for the presentation and a reservation identification for the reservation; and

generating the presentation, the presentation identification, and the reservation identification as the reservation.

7. (Previously Presented) The method of claim 2 further comprising applying a viewer profile to the at least one program to generate the presentation.

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8. (Previously Presented) The method of claim 2 further comprising generating a play script for the presentation for the viewer, the play script comprising at least one media reference identifying the at least one portion of the media.

9. (Previously Presented) The method of claim 8 wherein generating the play script further comprises generating the play script with a plurality of media references identifying a plurality of media.

10. (Previously Presented) The method of claim 8 further comprising generating the at least one media reference to identify at least one media clip and a reservation identification for the reservation.

11. (Previously Presented) The method of claim 8 further comprising generating the at least one media reference to comprise a universal resource locator that identifies at least one media clip and a reservation identification for the reservation.

12. (Previously Presented) The method of claim 8 further comprising generating the at least one media reference to comprise at least one member of a group consisting of a recorded media reference, a live media reference, a media alias, and a media selector.

13. (Previously Presented) The method of claim 8 further comprising formatting the play script according to a player type for the viewer.

14. (Previously Presented) The method of claim 8 further comprising transmitting an address of the at least one resource for reception by the viewer.

15. (Previously Presented) The method of claim 2 wherein the at least one resource comprises a switch and the method further comprises:  
distributing the at least one program to the switch;  
selecting the switch to stream the presentation for reception by the viewer; and  
streaming the at least one portion of the media from the switch to for reception by the viewer.

16. (Previously Presented) The method of claim 2 further comprising selecting the resource from at least one member of a group consisting of a switch, a media server software of the switch, and a stream caster of the switch.

17. (Previously Presented) The method of claim 2 wherein:  
the at least one program has a program identification; and  
the method further comprises tracking the program by the program identification using a  
management system.

18. (Previously Presented) The method of claim 17 further comprising using the  
program identification to track at least one member of a group consisting of a number of times a  
selected media of the at least one program is streamed, another number of times the at least one  
program is streamed, a viewer attribute associated with the viewer receiving the selected media  
from the at least one program, and at least one other media from at least the other program  
streamed with the at least one portion of the media.

19. (Previously Presented) The method of claim 2 further comprising using as the at  
least one program rule at least one member of a group consisting of a program creation rule and a  
program routing rule.

20. (Previously Presented) The method of claim 2 further comprising using at least  
one order comprising at least one order component associated with the at least one program to  
process the request and generate the presentation.

21. (Previously Presented) The method of claim 20 further comprising using as the at  
least one order component at least one member of a group consisting of a service rule identifying  
how a media viewing should be paid, a storage rule identifying where the media and the program  
will be located for physical storage, a collection rule identifying an entity collecting a payment  
for services rendered, a viewing rule identifying acceptable viewers that can receive the media  
and the program, and a settlement rule identifying how a collection is divided among  
participating entities.

22. (Previously Presented) The method of claim 20 further comprising using a service  
processor to enable entry of the at least one program and the at least one order for the at least one  
program.

23-109. (Cancelled)

110. (Currently Amended) A system for routing media for a request for a viewer  
comprising:

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a management system configured to receive the request for media, to determine a program in which the requested media is identified, to create a presentation having a presentation identification based on the program, to generate a reservation comprising a reservation identification and the presentation, and to generate a play script comprising the reservation identification and at least one media identification for the requested media;

a media switch configured to stream media identified by the at least one media identification upon a session being initiated at an address; and

a routing processor configured to receive the reservation, the reservation identification, and the media identification, to validate the reservation identification with the reservation, to determine a the media switch configured to stream the media identified by the at least one media identification, and to generate an the address for the media switch upon validating the reservation identification; and  
~~a media switch configured to stream the media identified by the at least one media identification upon a session being initiated at the address.~~

111. (Previously Presented) A system for routing media for reception by a viewer for a request comprising:

a reservation system configured to receive the request, to identify at least one program in which at least a portion of the media is available, to process the request with at least one program rule of the at least one program to generate a presentation identifying the at least the portion of the media, and to generate a reservation associated with the presentation; and

a routing processor configured to receive the reservation from the reservation system and to identify, based on the reservation, at least one resource to stream the presentation for reception by the viewer.

112. (Previously Presented) The system of claim 111 wherein:

the reservation system further is configured to identify at least one other program in which at least one other portion of the media is available, to process the request with at least one other program rule of the at least one other program to generate at least one other presentation identifying the at least one other portion of the

media, and to generate at least one other reservation associated with the at least one other presentation; and

the routing processor further is configured to receive the at least one other reservation from the reservation system and to identify, based on the at least one other reservation, if the at least one resource is configured to stream the at least one other presentation.

113. (Previously Presented) The system of claim 111 wherein:

the reservation system further is configured to identify at least one other program in which at least one other portion of the media is available, to process the request with at least one other program rule of the at least one other program to generate at least one other presentation identifying the at least one other portion of the media, and to generate at least one other reservation associated with the at least one other presentation; and

the routing processor further is configured to receive the at least one other reservation from the reservation system and to identify, based on the at least one other reservation, at least one other resource to stream the at least one other presentation.

114. (Previously Presented) The system of claim 111 wherein the reservation system is configured to identify at least one other program in which at least one other portion of the media is available, to process the request with at least one other program rule of the at least one other program, to generate the presentation, and to generate the reservation associated with the presentation, wherein the presentation identifies the at least one portion of the media and the at least one other portion of the media.

115. (Previously Presented) The system of claim 111 wherein the reservation system is configured to generate a presentation identification for the presentation and a reservation identification for the reservation, and the reservation comprises the presentation, the presentation identification, and the reservation identification.

116. (Previously Presented) The system of claim 111 wherein the reservation system is configured to apply a viewer profile to the at least one program to generate the presentation.

117. (Previously Presented) The system of claim 111 wherein the reservation system further is configured to generate a play script for the presentation for the viewer, the play script comprising at least one media reference identifying the at least the portion of the media.

118. (Previously Presented) The system of claim 117 wherein the play script comprises a plurality of media references identifying a plurality of media.

119. (Previously Presented) The system of claim 117 wherein the media reference identifies at least one media clip and a reservation identification for the reservation.

120. (Previously Presented) The system of claim 117 wherein the media reference comprises a universal resource locator that identifies at least one media clip and a reservation identification for the reservation.

121. (Previously Presented) The system of claim 117 wherein the media reference comprises at least one member of a group consisting of a recorded media reference, a live media reference, a media alias, and a media selector.

122. (Previously Presented) The system of claim 117 wherein the play script is formatted according to a player type for the viewer.

123. (Previously Presented) The system of claim 117 wherein the routing processor further is configured to transmit an address of the at least one resource for reception by the viewer.

124. (Previously Presented) The system of claim 111 wherein the at least one resource comprises a switch configured to stream the at least the portion of the media for reception by the viewer, wherein the service processor further is configured to distribute the at least one program to the at least one switch, and wherein the routing processor further is configured to select the switch to stream the presentation to the viewer.

125. (Previously Presented) The system of claim 111 wherein the resource comprises at least one member of a group consisting of a switch, a media server of the switch, and a stream caster of the switch.

126. (Previously Presented) The system of claim 111 wherein:  
the at least one program has a program identification; and

the system further comprises a management system configured to track the program by the program identification.

127. (Previously Presented) The system of claim 126 wherein the management system is configured to use the program identification to track at least one member of a group consisting of a number of times a selected media of the at least one program is streamed, another number of times the at least one program is streamed, a viewer attribute associated with the viewer receiving the selected media of the at least one program, and at least one other media from at least one other program streamed with the at least the portion of the media.

128. (Previously Presented) The system of claim 111 wherein the at least one program rule comprises at least one member of a group consisting of a program creation rule and a program routing rule.

129. (Previously Presented) The system of claim 111 wherein the at least one program further comprises at least one order consisting of at least one order component.

130. (Previously Presented) The system of claim 129 wherein the at least one order component comprises at least one member of a group consisting of a service rule identifying how a media viewing should be paid, a storage rule identifying where the at least the portion of the media and the program will be located for physical storage, a collection rule identifying an entity collecting a payment for services rendered, a viewing rule identifying acceptable viewers that can receive the at least the portion of the media and the program, and a settlement rule identifying how a collection is divided among participating entities.

131. (Previously Presented) The system of claim 129 further comprising a service processor configured to enable entry of the at least one program and the at least one order for the at least one program.

#### Reasons for Allowance

2 The following is an examiner's statement of reasons for allowance: The  
3 arguments filed on November 30, 2005 are persuasive.

4 Any comments considered necessary by applicant must be submitted no later  
5 than the payment of the issue fee and, to avoid processing delays, should preferably  
6 accompany the issue fee. Such submissions should be clearly labeled "Comments on  
7 Statement of Reasons for Allowance."

## Conclusion

11 Any inquiry concerning this communication or earlier communications from the  
12 examiner should be directed to Andrew Caldwell, whose telephone number is (571)  
13 272-3868. The examiner can normally be reached on M-Th from 9:00 a.m. to 5:30 p.m.  
14 EST.

16 The fax number for Group 2100 is as follows:

18 Fax Responses: 571-273-8300

20 Any general inquiry relating to the status of this application can be answered  
21 using Patent Application Information Retrieval (PAIR) system, which is available at the  
22 USPTO web site. Any questions on using the PAIR system should be directed to the  
23 Patent Electronic Business Center toll free at (866) 217-9197.

Amber Caldwell

29 Andrew Caldwell  
30 571-272-3868  
31 October 30, 2006

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